

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRENDA M JOHNSON,

Plaintiff,

v.

UNITED STATES, DEPARTMENT
OF SOCIAL HEALTH,
DEPARTMENT OF CHILD
SUPPORT, CITY OF TACOMA,
OAH,

Defendants.

CASE NO. C21-5242 MJP

ORDER DECLINING TO SERVE
COMPLAINT AND DISMISSING
ACTION WITH PREJUDICE

Plaintiff has filed a second amended civil complaint (Dkt. No. 11) with this Court in attempt to address the Court's Second Order declining to serve her initial complaint (Dkt. No. 10). Having reviewed the second amended complaint and the relevant portions of the record, the Court hereby finds that Plaintiff's second amended complaint fails to state a claim and DISMISSES this action WITH PREJUDICE.

The Court's Order is based on the following reasons:

Rule 8(a) of the Federal Rules of Civil Procedure provides that

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1 A pleading that states a claim for relief must contain: (1) a short and plain statement of
 2 the grounds for the court’s jurisdiction, unless the court already has jurisdiction and the
 3 claim needs no new jurisdictional support; (2) a short and plain statement of the claim
 showing that the pleader is entitled to relief; and (3) a demand for the relief sought, which
 may include relief in the alternative or different types of relief.

4 Fed. R. Civ. P. 8(a). To comply with Rule 8(a), the complaint “must contain sufficient factual
 5 matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” Ashcroft v. Iqbal,
 6 556 U.S. 662, 678 (2009) (citing Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). “A
 7 claim has facial plausibility when the plaintiff pleads factual content that allows the court to
 8 draw the reasonable inference that the defendant is liable for the misconduct alleged.” Iqbal, 556
 9 U.S. at 678. “But where the well-pleaded facts do not permit the court to infer more than the
 10 mere possibility of misconduct,” the allegations are inadequate to satisfy Rule 8. Id. at 679.
 11 “Where a complaint pleads facts that are merely consistent with a defendant’s liability, it stops
 12 short of the line between possibility and plausibility of entitlement to relief.” Twombly, 559 U.S.
 13 at 557 (quotation omitted); see Adams v. Johnson, 355 F.3d 1179, 1183 (9th Cir. 2004)
 14 (“[C]onclusory allegations of law and unwarranted inferences are insufficient to defeat a motion
 15 to dismiss.”).

16 Plaintiff’s second amended complaint still does not comply with any of the requirements
 17 set forth in Rule 8(a). The second amended complaint does not set forth a plain statement of the
 18 factual allegations, the basis for the Court’s jurisdiction, or plausible reasons why Plaintiff is
 19 entitled to relief. As the Court previously noted in its second order declining to serve the
 20 amended complaint (Dkt. No. 10), Plaintiff’s failure to cure the deficiencies through her second
 21 amended complaint warrants dismissal of this action with prejudice. See 28 U.S.C. §
 22 1915(e)(2)(B)(ii). Having had three opportunities to plead her claims, Plaintiff has failed to
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1 satisfy Rule 8(a). See Iqbal, 556 U.S. at 678. Accordingly, the Court DISMISSES this action
2 WITH PREJUDICE. All pending motions are hereby terminated.

3 The Clerk is directed to send copies of this Order to Plaintiff and the Parties.

4 Dated September 8, 2021.

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6 Marsha J. Pechman
7 United States Senior District Judge
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